

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, April 05, 2017

Hearing Room 302

9:30 AM

1:12-14436 Ashot Hakopian and Mari Hakopian

Chapter 11

#1.00 Post Confirmation Status Conference

fr. 6/28/12, 1/24/13, 2/21/13, 4/4/13, 4/18/13,
5/23/13, 7/18/13, 8/1/13, 8/29/13, 11/14/13,
5/15/14, 10/23/14, 11/6/14, 11/20/14, 12/4/14,
1/15/15, 3/19/15; 12/3/15, 5/5/16; 8/18/16; 1/26/17

Docket 1

Tentative Ruling:

Based on the debtor's status report and the likelihood the case will be closed and discharge entered soon, the status conference is continued to July 26, 2017 at 9:30 am in order to keep costs down.

NO appearance required on 4/5/17

Party Information

Debtor(s):

Ashot Hakopian

Represented By
Robert M Yaspan

Joint Debtor(s):

Mari Hakopian

Represented By
Robert M Yaspan

**United States Bankruptcy Court
Central District of California
San Fernando Valley
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Wednesday, April 05, 2017

Hearing Room 302

9:30 AM

1:15-13495 Picture Car Warehouse Inc

Chapter 11

#2.00 Motion for Order Authorizing: (i) Sale of Personal Property of the Estate (Excess Vehicles and Spare Parts, Memorabilia, Equipment and Miscellaneous Office Furniture and Equipment) Free and Clear of Liens and Encumbrances via Public Auction (Online Bidding) Pursuant to 11 U.S.C. §363; (ii) Employment of Tiger Group Commercial & Industrial Pursuant to 11 U.S.C. §327(a); (iii) Abandonment of Unsold Personal Property Following Auction (Pursuant to 11 U.S.C. 544(a)); and (iv) Waiver of 14 Day Stay

Docket 283

Tentative Ruling:

Debtor seeks authority to sell approximately 300 "excess" vehicles. The cars are not subject to any liens, and the auction is projected to bring in \$600,000 (\$2,000 per vehicle) in proceeds for the estate.

No opposition filed. MOTION GRANTED. NO APPEARANCE REQUIRED.

Party Information

Debtor(s):

Picture Car Warehouse Inc

Represented By
Carolyn A Dye

Movant(s):

Picture Car Warehouse Inc

Represented By
Carolyn A Dye

**United States Bankruptcy Court
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9:30 AM

1:16-11985 Samuel James Esworthy

Chapter 11

**#3.00 Motion for Order Determining Value of
Collateral**

fr. 3/1/17

Docket 93

***** VACATED *** REASON: Cont'd per stipulation to 4/26/17 at 9:30
a.m. - hm**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Samuel James Esworthy

Represented By
M Jonathan Hayes

**United States Bankruptcy Court
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9:30 AM

1:16-11985 Samuel James Esworthy

Chapter 11

#4.00 Motion for Order Determining Value of
Collateral

fr. 3/1/17

Docket 94

Tentative Ruling:

It appears there are now opposing appraisals. Do the parties wish to discuss or stipulate to argue the motion based on the papers with no appraiser testimony? This can be continued to april 26 to be heard with the Inyo property motion if desired

Party Information

Debtor(s):

Samuel James Esworthy

Represented By
M Jonathan Hayes

Movant(s):

Samuel James Esworthy

Represented By
M Jonathan Hayes
M Jonathan Hayes
M Jonathan Hayes
M Jonathan Hayes
M Jonathan Hayes

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9:30 AM

1:16-11985 Samuel James Esworthy

Chapter 11

#5.00 Motion for Order Determining Value of Collateral

fr. 3/1/17

Docket 95

Tentative Ruling:

Based on the status report, this should be continued. Will appraisal be filed in time for april 26 hearing? Do parties wish to stipulate to a decision on the papers, or will an appraiser be called to testify?

Party Information

Debtor(s):

Samuel James Esworthy

Represented By
M Jonathan Hayes

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1:16-11985 Samuel James Esworthy

Chapter 11

#6.00 Motion for Order Determining Value of
Collateral

fr. 3/1/17

Docket 96

Tentative Ruling:

Both appraisals have been filed. Do the parties wish to submit on teh written appraisals and continue to April 26 for decision or set a date for a valuation hearing?

Party Information

Debtor(s):

Samuel James Esworthy

Represented By
M Jonathan Hayes

Movant(s):

Samuel James Esworthy

Represented By
M Jonathan Hayes
M Jonathan Hayes
M Jonathan Hayes
M Jonathan Hayes
M Jonathan Hayes

**United States Bankruptcy Court
Central District of California
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Wednesday, April 05, 2017

Hearing Room 302

9:30 AM

1:16-12869 Tul Investments, Inc.

Chapter 11

#7.00 Motion for Order Dismissing Chapter 11 Case.

fr. 3/1/17, 3/22/17

Docket 74

Tentative Ruling:

Tul Investments, Inc. ("Debtor") is a real estate investment company. It invests in entities which own commercial properties. The equity structure and the properties it holds are as follows:

- 50% of Golden West Real Estate, LLC. ("Golden West")
 - Golden West wholly owns a commercial property located at 1880 S. Western Ave., Los Angeles CA ("Western Property").
- 50% of Tul Anthony, LTD. ("Tul Anthony").
 - Tul Anthony wholly owns Tul Reseda, LP. ("Tul Reseda"), which owns a commercial property located at 7126 Reseda Blvd., Reseda CA ("Reseda Property").
 - Tul Anthony also owns 14% of Balboa Plaza, LLC. ("BP") which owns a commercial property located at 17050 Chatsworth St., Granada Hills, CA ("Chatsworth Property").

Debtor also claims an "equitable ownership" in a commercial property located at 101-107 Barrington Way, Brentwood, CA (the "Barrington Property") on the basis that it is the former owner of the property. The actual on title owner is the Stelmach Family 2002 Living Trust (the "Stelmach Family Trust").

Shlomo Goldberg ("Goldberg" or "Movant") is the father-in-law of Debtor's principal, Yuval Stelmach. Goldberg and the Estate of Lea Goldberg, Movant's deceased wife, each own a 7.5% equity interest. Yuval and his wife own the remaining 85% of the company. On February 13, 2015, Goldberg filed Proof of Claim No. 3-1 in the amount of \$547,022.26. ¹ The claim is based on a June 26, 2013 state court judgment (the "Judgment") for breach of fiduciary obligation against Debtor, Stelmach, and REM, LLC, jointly and severally. See Proof of Claim 3-1; Shlomo

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CONT... Tul Investments, Inc.

Chapter 11

Goldberg v. Yuval Stelmach et al., Case No. LC075536.

Debtor has one previous case filed on November 25, 2014. In re Tul Investments, Inc., 1:14-bk-15294-MT. Debtor failed to propose an adequate disclosure statement despite two attempts to do so. See Order Denying Adequacy of Debtor's Disclosure Statement, ECF No. 114; Order Denying Approval of First Amended Disclosure Statement, ECF No. 138. On March 24, 2016, the case was dismissed with a 180-day bar.

On October 3, 2016, two weeks after the end of the 180-day bar, Debtor filed the instant case. On January 25, 2017, Gil Naor and Assaf Naor filed unsecured claims (the "Naor Claims") for \$1,000,000 and \$600,000, respectively. See Proof of Claim No. 7; Proof of Claim No. 8. The two claims were absent from Debtor's previous case.

On December 1, 2016, at the Initial Status Conference, the Court set January 20, 2017 as the deadline to file a disclosure statement. On January 24, 2017, Goldberg filed a Motion to Dismiss Debtor (the "Motion to Dismiss"). ECF No. 74. On January 27, 2017, Debtor filed its first Disclosure Statement. ECF No. 77. Without adjudication on the merits of the first Disclosure Statement, Debtor filed its Amended Disclosure Statement and Amended Plan of Reorganization on February 24, 2017. ECF No. 86, 87.

Standard

A request to dismiss a chapter 11 case is prosecuted under § 1112. In pertinent part, that section provides:

(b)(1) Except as provided in paragraph (2) and subsection (c), on request of a party in interest, and after notice and a hearing, the court shall convert a case under this chapter to a case under chapter 7 or dismiss a case under this chapter, whichever is in the best interests of creditors and the estate, for cause unless the court determines that the appointment under section 1104(a) of a trustee or an examiner is in the best

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Tul Investments, Inc.

Chapter 11

interests of creditors and the estate.

11 U.S.C. §1112(b)(1).

Pursuant to § 1112(b), courts have dismissed cases filed for a variety of tactical reasons unrelated to reorganization. While the case law refers to these dismissals as dismissals for "bad faith" filing, it is probably more accurate in light of the precise language of § 1112(b) to call them dismissals "for cause." Marsch, 36 F. 3d at 828.

The bankruptcy court may dismiss a Chapter 11 case "for cause" pursuant to section 1112(b). For purposes of subsection 1112(b)(4), the term "cause" includes

- (A) substantial or continuing loss to or diminution of the estate and the absence of a reasonable likelihood of rehabilitation;
- (B) gross mismanagement of the estate;
- (C) failure to maintain appropriate insurance that poses a risk to the estate or to the public;
- (D) unauthorized use of cash collateral substantially harmful to 1 or more creditors;
- (E) failure to comply with an order of the court;
- (F) unexcused failure to satisfy timely any filing or reporting requirement established by this title or by any rule applicable to a case under this chapter;

...

- (J) failure to file a disclosure statement, or to file or confirm a plan, within the time fixed by this title or by order of the court.

11 U.S.C. §1112(b)(4)(A-J).

In general terms, "cause" under Section 1112(b) applies at various stages in the case to test whether the benefits of reorganization are likely to be achieved within a

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reasonable amount of time and in a manner that is consistent with the requirements and restrictions of the Code. Thus, the cause standard continually measures the value of maintaining the process, and also polices the diligence of the debtor or other plan proponent to ensure that the process is proceeding with all deliberate speed and in accordance with the requirements of applicable law. The basic focus of this section is to weed out unlikely reorganization prospects even though the debtor's intentions at the time of the filing may be strictly honorable. As the Second Circuit stated: "The purpose of § 1112(b) is not to test a debtor's good faith; it is to provide relief where the debtor's efforts, however heroic, have proven inadequate to the task of reorganizing his affairs effectively within a reasonable amount of time."

Although § 1112(b) does not explicitly require that cases be filed in "good faith," courts have overwhelmingly held that a lack of good faith in filing a Chapter 11 petition establishes cause for dismissal. In re Marsch, 36 F.3d 825, 828 (9th Cir. 1994). "The existence of good faith depends on an amalgam of factors and not upon a specific fact." In re Arnold, 806 F.2d 937, 939 (9th Cir.1986).

Instead of focusing on the debtor's prospects of reorganization, the good faith standard focuses directly on the subjective intentions of the debtor and proper use of the bankruptcy system as a general system of equity and is designed to prevent "abuse of the bankruptcy process, or the rights of others, involv[ing] conduct or situations only peripherally related to the economic interplay between the debtor and the creditor community." As one court has explained: "Generally, the facts surrounding good faith will be determined by circumstantial evidence. It is unlikely that a debtor will ever acknowledge its own bad faith; therefore, one will reach conclusions about the party's intent from the totality of the circumstances surrounding the filing of the case."

7 Collier on Bankruptcy P 1112.07[1] (Alan N. Resnick & Henry J. Sommer eds., 16th ed.).

Discussion

Movant argues that dismissal is warranted given Debtor's previous filing, its inability to reorganize, and facts representing an apparent scheme to avoid paying the Judgment.

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Tul Investments, Inc.

Chapter 11

I. Failure to File a Disclosure Statement Under 11 U.S.C. §1112(b)(4)(J)

At the last hearing, the Court set January 20, 2017 as the deadline to file a disclosure statement. Debtor was ordered to lodge a scheduling order to that effect, but it neglected to do so. The disclosure statement was then filed seven days after the deadline on January 27, 2017. ECF No. 77. The failure to abide by the Court's strict cutoff date is considered cause to dismiss a case for "failure to comply with an order of the court" under 11 U.S.C. §1112(b)(4)(G). This is even more egregious in the context of an order establishing a disclosure statement deadline: the Code explicitly states that "failure to file a disclosure statement, or to file or confirm a plan, within the time fixed by this title or by order of the court" is "cause" to dismiss under 11 U.S.C. §1112(b)(4)(J).

II. Substantial Or Continuing Loss To Or Diminution Of The Estate And The Absence Of A Reasonable Likelihood Of Rehabilitation under 11 U.S.C. §1112(b)(4)(A)

Debtor's ability to reorganize is highly suspect. Debtor's previous case was dismissed with a 180-day bar at the hearing on the First Amended Disclosure Statement (the "FADS"). In re Tul Investments, 14-bk-15294-MT, ECF No. 136, 138. The Court concluded that the FADS lacked adequate information for an enumerated number of reasons in its adopted tentative ruling, including: lack of a filed plan, violation of the 11 U.S.C. §524(e) injunction provision, lack of a liquidation analysis, failure to provide for United States Trustee fees, failure to attach relevant financial statements, and most relevant to the motion at hand – unfair discrimination of Shlomo Goldberg's judgment claim in violation of 11 U.S.C. §1129(b). Id. at 139. Specifically, Debtor proposed to pay only 50% of Goldberg's claim, but proposed to pay another unsecured creditor, East West Bank, 100% of its claim. Id. at ECF No. 133, 4:13-16.

The Amended Disclosure Statement is again lacking in substance or a real strategy to pay its creditors. Perhaps conceding that it is indeed insufficient, Debtor asserts that "in order to resolve, the UST's objection, the Debtor will be filing an Amended Disclosure and Plan by March 27, 2017." Debtor's Opposition to Creditor's Motion to Dismiss (the "Opposition"), 2:13-15. Debtor not only failed to file a

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Chapter 11

disclosure statement by the Court's ordered deadline; as explained in more detail in the Court's tentative ruling on the Debtor's Disclosure Statement, it filed a deficient disclosure statement on its second try. Now facing meritorious objections from the United States Trustee, it requests a third swing at proposing an adequate disclosure statement. This is not the purpose of chapter 11; one cannot enjoy the protection of the automatic stay without showing the ability to formulate a plan.

It has been five months since this relatively simple case was filed. The last case lasted sixteen months. Yet Debtor can't seem to meet clear deadlines or file a disclosure statement and plan without major issues.

Debtor argues against dismissal, averring that liquidation of the assets is not in the best interest of creditors. It points to attorney's fees to prosecute dissolution actions, real estate broker fees to sell the properties, and payment of taxes from the sale of properties. Debtor also argues against conversion because Debtor does not own any properties directly and that shareholders and managers of the entities who are the title owners may oppose a sale.

Contrary to Debtor's argument, dismissal or conversion would serve the best interest of creditors despite the administrative and/or dissolution expenses. Debtor values each of the properties in which it asserts an equity interest at \$3.45 M (the Reseda Property), \$5 million (the Western Property), and \$10 million (the Chatsworth Property). Declaration of Chris Comfort re: Valuation of Property, 2:9-26. While not the title holder, Debtor asserts an "equitable interest" in the Barrington Property, valued at \$2.1 million. *Id.* at 2:3-9. Taking into account Debtor's equity interest in each of respective holding companies and giving Debtor the benefit of the doubt as to its proffered "equitable interest" in the Barrington Property, Debtor has \$7,025,000 of equity in the four properties. This is more than enough to pay off all unsecured creditors. *See* Amended Disclosure Statement, 16-17 (the total amount of claims provided in the Amended Plan amounts to only \$4,354,443.64).²

As this case stays in limbo, administrative fees continue to compound. Per the Amended Disclosure Statement, Debtor has incurred an estimated \$20,000 in legal fees and costs thus far. United States Trustee fees are not listed, but presumably they are continuing to accrue at the normal quarterly rate. Debtor has not shown an ability to reorganize; sufficient equity is leftover where dismissal or conversion is warranted.

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Chapter 11

III. Bad faith

The circumstances surrounding Debtor's filing suggest bad faith. Courts have determined that dismissal is also appropriate where the debtor is determined to be proceeding in chapter 11 in bad faith. 7 Collier on Bankruptcy P 1112.01 (Alan N. Resnick & Henry J. Sommer eds., 16th ed.). Collier on Bankruptcy explains the distinction between dismissal for cause under section 1112(b) and dismissal for lack of good faith:

In contrast to testing the debtor's prospects of reorganization, the good faith standard focuses directly on the subjective intentions of the debtor and proper use of the bankruptcy system as a general system of equity and is designed to prevent "abuse of the bankruptcy process, or the rights of others, involv[ing] conduct or situations only peripherally related to the economic interplay between the debtor and the creditor community." As one court has explained: "Generally, the facts surrounding good faith will be determined by circumstantial evidence. It is unlikely that a debtor will ever acknowledge its own bad faith; therefore, one will reach conclusions about the party's intent from the totality of the circumstances surrounding the filing of the case.

Id. at P 1112.07[1].

The test is whether a debtor is attempting to unreasonably deter and harass creditors or attempting to effect a speedy, efficient reorganization on a feasible basis. Arnold, 806 F.2d at 939.

Bad faith emanates throughout this case. Debtor does not dispute Movant's claims that Stelmach violated the rent assignment orders by advising the tenants of the Brentwood Property to disobey the order and pay Stelmach directly. Debtor also does not dispute that the tenants are actually Stelmach's children.

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A number of questionable claims favorably treated in the Amended Disclosure Statement suggest an abuse of the bankruptcy process to deter and harass creditors. Assaf Noar and Gil Noar, who filed separate unsecured claims, were noticeably absent from Debtor's previous case. See Proof of Claim No. 7-1, 8-1. Adding to the suspicion, neither creditor attached evidence to substantiate the validity and amount of the claims. Debtor provides no indication that these debts arose in the 180-day period between filings.

East West Bank is separately treated in Class 3 in Debtor's Amended Disclosure Statement notwithstanding the fact that it is not a creditor in Debtor's estate; instead the obligors on the loan are Debtor's insiders – Yuval and Tally Stelmach. The fact was revealed by East West Bank in its limited opposition. Debtor therefore has been using estate assets to pay a non-creditor for the benefit of its insiders.

This filing appears to be a part of a pattern of fraudulent cases. In addition to Debtor's previous case which was dismissed with a 180-day bar, a related case in front of the Honorable Julia Brand – In re REM, LLC, 2:16-bk-18928-WB – was filed on July 5, 2016, and dismissed pursuant to 11 U.S.C. §1112(b)(1) on November 17, 2016. The debtor was also represented by Mathew Abbasi, Esq., and Yuval Stelmach was also authorized signatory in the petition. Id. at ECF No. 1, 4. REM, LLC is also a co-judgment creditor in Shlomo Goldberg v. Yuval Stelmach et al., Case No. LC075536.

This leads to Shlomo Goldberg's judgment claim. Goldberg, the father-in-law of Debtor's principal, Yuval Stelmach, has a claim based on a state court judgment for breach of fiduciary obligation against Debtor, Stelmach, and REM, LLC, jointly and severally, in the amount of \$547,022.26. See Proof of Claim 3-1; Shlomo Goldberg v. Yuval Stelmach et al., Case No. LC075536. Goldberg claims that the case was filed for the purpose of avoiding the Judgment.

The scenario here is similar to Computer Task Group, Inc. v. Brothby (In re Brothby), 303 B.R. 177 (B.A.P. 9th Cir. 2003). There, the debtor also filed his petition not long after a sizable money judgment was entered against him in district court. Id. at 198. In ultimately reversing and remanding the bankruptcy court on the issue of dismissal for bad faith, the Bankruptcy Appellate Panel (the "BAP") considered

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CONT... Tul Investments, Inc.

Chapter 11

whether Debtor had the assets to satisfy the judgment or at least pay for an appeal bond. Id (comparing the case to Marsh, 36 F.3d at 829)("it is not the purpose of the bankruptcy code to allow a debtor to file Chapter 11 bankruptcy to avoid the posting of an appeal bond where the debtor has the clear ability to satisfy the judgment in full from nonbusiness assets.").

Here, to date, Goldberg's entitlement to the Judgment has been delayed for over three-and-a-half years. Proof of Claim 3- 1, Ex. 1 (The Judgment was entered by the State Court on June 26, 2013). Despite listing only \$1,500 in assets for "minor office equipment, filing cabinet, and computer," the Amended Disclosure Statement reveals that Debtor has equity interests in four real properties, which according to Debtor's own appraiser, amount to \$7,025,000 million in value for Debtor's estate. Schedule A/B; Declaration of Chris Comfort re: Valuation of Property, 2:9-26. Despite purportedly having zero dollars cash on hand on the petition date, Debtor now proffers that it has \$64,174.10 in cash on hand. Amended Disclosure Statement, 15:23-24. Like the debtor in Brotby, Debtor had the ability to pay the Judgment or post an appellate bond, but instead filed this bankruptcy as a way to deter and harass Goldberg.

The bankruptcy process is reserved for the honest but unfortunate debtor; it is not for the purpose of protecting the wealth of its insiders. Debtor's failure to file an acceptable disclosure statement on time, its suspicious treatment of unsecured creditors, and its case history surrounding its proposed plan suffice as "cause" to dismiss under 11 U.S.C. §1112(b). Debtor's history of related case – affecting the subject property, involving Stelmach as the principal, and Abbasi as the attorney – connotes a web of interrelated cases filed for the purpose to hinder and delay creditors, rather than to effectuate a realizable plan of reorganization.

Motion to Dismiss GRANTED with 180-Day Bar.

Party Information

Debtor(s):

Tul Investments, Inc.

Represented By
Matthew Abbasi

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1:16-12869 Tul Investments, Inc.

Chapter 11

#8.00 Disclosure Statement Describing
Debtor's Chapter 11 Plan

Docket 86

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Tul Investments, Inc.

Represented By
Matthew Abbasi

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1:16-12869 Tul Investments, Inc.

Chapter 11

#9.00 Status and Case Management Conference

fr. 12/1/16; 3/9/17, 3/22/17

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Tul Investments, Inc.

Represented By
Matthew Abbasi

**United States Bankruptcy Court
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Wednesday, April 05, 2017

Hearing Room 302

11:00 AM

1:16-11093 Kamel M. Ballout

Chapter 13

Adv#: 1:17-01004 Ballout v. Sarieddine

#10.00 Status Conference re: Complaint by
Kamel M. Ballout against Mike Sarieddine

Docket 4

***** VACATED *** REASON: Continued to June 21 @ 11 am**

Tentative Ruling:

NO Appearance on 4/5/17 due to MTD ruling. Amended complaint to be filed
by April 26, and a status conference will be held on June 21 at 11 am

Party Information

Debtor(s):

Kamel M. Ballout

Represented By
R Grace Rodriguez

Defendant(s):

Mike Sarieddine

Pro Se

Plaintiff(s):

Kamel M. Ballout

Represented By
R Grace Rodriguez

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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Hearing Room 302

11:00 AM

1:16-11968 Paul Vincent Wojdak

Chapter 11

Adv#: 1:16-01138 Schroeder v. Wojdak

#11.00 Status Conference Re:
Complaint to Determine Debt to
be Nondischargeable under
11 U.S.C. Section 523 (a)(2)(A)
and (a)(6)

fr. 12/7/16; 1/25/17

Docket 1

Tentative Ruling:

Having considered the status report, for good cause appearing, this status conference is continued **to July 26, 2017 at 11:00 a.m.**

APPEARANCE WAIVED on April 5, 2017.

Party Information

Debtor(s):

Paul Vincent Wojdak	Pro Se
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Defendant(s):

Paul Vincent Wojdak	Pro Se
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Plaintiff(s):

Harry L Schroeder	Represented By Kyra E Andrassy
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11:00 AM

1:16-11968 Paul Vincent Wojdak
Adv#: 1:16-01139 Olsen v. Wojdak

Chapter 11

#12.00 Status Conference re Complaint for
Nondischargeability pursuant to
11 USC 523(a)(2)(a) and (a)(6); Fraud; Conversion;
Violation of Penal Code 496; Unfair, Unlawful or
Fraudulent Business Practice of Act; Financial Elder
Abuse and Aiding and Abetting

fr. 12/7/16; 1/25/17

Docket 1

Tentative Ruling:

Either a motion to vacate default or a default prove up needs to be filed. The status conference has been continued numerous times for the parties to talk. It is time to move on.

Party Information

Debtor(s):

Paul Vincent Wojdak	Pro Se
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Defendant(s):

Paul Vincent Wojdak	Pro Se
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Plaintiff(s):

Peggy Olsen	Represented By Ronald P. Slates Jesse Yanco
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Hearing Room 302

11:00 AM

1:12-14927 Juan Matsumoto Matias and Jovita Barcena Matias

Chapter 13

#13.00 Motion for relief from stay

THE BANK OF NEW YORK MELLON

Docket 69

***** VACATED *** REASON: Stipulation to APO order lodged on 3/30/17.
ECF No. 74. - CW**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Juan Matsumoto Matias

Represented By
Emmanuel S Vargas
Peter M Lively

Joint Debtor(s):

Jovita Barcena Matias

Represented By
Emmanuel S Vargas
Peter M Lively

Movant(s):

The Bank Of New York Mellon Fka

Represented By
Erin M McCartney

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

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11:00 AM

1:15-10385 William Randa

Chapter 13

#13.01 Motion for relief from stay

THE BANK OF NEW YORK MELLON

fr. 3/22/17

Docket 38

***** VACATED *** REASON: Stipulation to APO order lodged on 3/30/17.
ECF No. 44. - CW**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

William Randa

Represented By
Lauren Rode

Movant(s):

The Bank of New York Mellon fka

Represented By
Erin M McCartney

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, April 05, 2017

Hearing Room 302

11:00 AM

1:15-13794 Jaime Gutierrez

Chapter 13

#14.00 Motion for relief from stay

DEUTSCHE BANK NATIONAL TRUST CO

Docket 39

Tentative Ruling:

Petition Date:11/17/15
Chapter 13 (Confirmed on 3/9/16)
Service: Proper. Opposition filed.
Property: 7312 Leescott Ave. Van Nuys CA 91406
Property Value: \$495,000 (Debtor's Schedules)
Amount Owed: \$620,569.66
Equity Cushion: 0.00%
Equity: \$0.00
Post-Petition Delinquency: \$23,143.30 (*post confirmation*: 9 payment of \$2,569.33)

Debtor in opposition proposes adequate protection terms of \$4,285.43 per month for six months.

Movant requests relief under 11 U.S.C. 362(d)(1). GRANT requests relief listed in paragraphs **2** (proceed under non-bankruptcy law); **3** (Movant may engage in loss mitigation); **6** (termination of co-debtor stay – *as to Carmen Gutierrez*); **7** (waiver of the 4001(a)(3) stay); and **12** (debtor is defined as a borrower for purposes of Cal. Civ. Code §2923.5).

APPEARANCE REQUIRED.

Party Information

Debtor(s):

Jaime Gutierrez

Represented By
Raj T Wadhvani

Movant(s):

Deutsche Bank National Trust

Represented By
Dane W Exnowski

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, April 05, 2017

Hearing Room 302

11:00 AM

CONT... Jaime Gutierrez

Chapter 13

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

United States Bankruptcy Court
Central District of California
San Fernando Valley
Judge Maureen Tighe, Presiding
Courtroom 302 Calendar

Wednesday, April 05, 2017

Hearing Room 302

11:00 AM

1:16-12586 Tae H Ko

Chapter 7

#15.00 Motion for relief from stay

US BANK TRUST, N.A.

Docket 45

Tentative Ruling:

Petition Date: 9/2/16
Chapter 7 (Converted from 13 on 10/19/16)
Service: Proper. **No opposition filed.**
Property: 2244 Shapiro St., Fullerton CA 93833
Property Value: \$975,000 (Movant's appraisal; not Listed in Debtor's schedule)
Amount Owed: \$1,393,874.05
Equity Cushion: 0.00%
Equity: \$0.00
Post-Petition Delinquency: Not Listed

Disposition: GRANT relief under 11 U.S.C. 362(d)(1) and (d)(2). GRANT requests relief listed in paragraphs **2** (proceed under non-bankruptcy law); **3** (Movant may engage in loss mitigation); **6** (termination of co-debtor stay); **7** (waiver of the 4001(a)(3) stay); **8** (designated law enforcement may evict); **9** (relief under 11 U.S.C. §362(d)(4) – *three unauthorized transfers and eleven filings affecting real property*).

DENY as to **11** (binding and effective in any future bankruptcy).

NO APPEARANCE REQUIRED—RULING MAY BE MODIFIED AT HEARING.
MOVANT TO LODGE ORDER WITHIN 7 DAYS. MOVANT IS ORDERED TO
SERVE A COPY OF THE ENTERED ORDER ON THE ORIGINAL BORROWER AT
THE ADDRESS OF THE AFFECTED PROPERTY.

Party Information

Debtor(s):

Tae H Ko

Pro Se

Trustee(s):

David Seror (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, April 05, 2017

Hearing Room 302

11:00 AM

1:16-12694 Aleyda Arias

Chapter 13

#16.00 Motion for relief from stay

TOYOTA MOTOR CREDIT COPORATION

Docket 25

Tentative Ruling:

Petition Date: 9/15/16
Chapter: 13
Service: Proper. Response filed.
Property: 2013 Hyundai Elantra
Property Value: \$ 9,301 (per debtor's schedules)
Amount Owed: \$ 18,495.89
Equity Cushion: 0.0%
Equity: \$0.00.
Post-Petition Delinquency: \$1,029.36 (2 payments of \$472,34)

Debtor does not oppose to the relief being granted.

Disposition: GRANT under 11 U.S.C. 362(d)(1). GRANT relief requested in paragraph **2** (proceed under applicable non-bankruptcy law); **5** (termination of co-debtor stay *as to Michael Cruz*); and **6** (waiver of 4001(a)(3) stay).

NO APPEARANCE REQUIRED—RULING MAY BE MODIFIED AT HEARING.
MOVANT TO LODGE ORDER WITHIN 7 DAYS.

Party Information

Debtor(s):

Aleyda Arias

Represented By
Kevin T Simon

Movant(s):

TOYOTA MOTOR CREDIT

Represented By
Mark D Estle

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, April 05, 2017

Hearing Room 302

11:00 AM

CONT... Aleyda Arias

Chapter 13

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, April 05, 2017

Hearing Room 302

11:00 AM

1:17-10184 Alfredo Cerda-Martinez

Chapter 7

#17.00 Motion for relief from stay

US BANK NATIONAL ASSOCIATION

Docket 12

***** VACATED *** REASON: Ntc. of w/drawal filed on 3/16/17 (eg)**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Alfredo Cerda-Martinez

Pro Se

Movant(s):

U.S. BANK NATIONAL

Represented By
Erin M McCartney

Trustee(s):

Nancy J Zamora (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, April 05, 2017

Hearing Room 302

11:00 AM

1:17-10311 Monica V Martinez

Chapter 7

#18.00 Motion for relief from stay

KIA MOTORS FINANCE

Docket 13

Tentative Ruling:

Petition Date: 2/7/17
Chapter: 7
Service: Proper. **No opposition filed.**
Property: 2015 Kia Optima 4D SX
Property Value: \$ 10,950 (per debtor's schedules)
Amount Owed: \$ 18,554,47
Equity Cushion: 0.0%
Equity: \$0.00.
Delinquency: \$2,752.69 (2 payments of \$566,22)

Disposition: GRANT under 11 U.S.C. 362(d)(1). GRANT relief requested in paragraph **2** (proceed under applicable non-bankruptcy law); and **6** (waiver of 4001 (a)(3) stay).

NO APPEARANCE REQUIRED—RULING MAY BE MODIFIED AT HEARING.
MOVANT TO LODGE ORDER WITHIN 7 DAYS.

Party Information

Debtor(s):

Monica V Martinez

Represented By
Francis Guilardi

Movant(s):

Kia Motors Finance

Represented By
Austin P Nagel

Trustee(s):

Nancy J Zamora (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, April 05, 2017

Hearing Room 302

11:00 AM

1:17-10523 Kenneth Eugene Settle

Chapter 7

#19.00 Motion for Relief from stay

TD AUTO FINANCE LLC

Docket 8

Tentative Ruling:

Petition Date: 3/1/17
Chapter: 7
Service: Proper. **No opposition filed.**
Property: 2016 Jeep Cherokee
Property Value: \$ 15,000 (per debtor's schedules)
Amount Owed: \$ 22,769.06
Equity Cushion: 0.0%
Equity: \$0.00.
Delinquency: None

Disposition: GRANT under 11 U.S.C. 362(d)(1) and (d)(2). GRANT relief requested in paragraph **2** (proceed under applicable non-bankruptcy law); and **6** (waiver of 4001(a)(3) stay).

NO APPEARANCE REQUIRED—RULING MAY BE MODIFIED AT HEARING.
MOVANT TO LODGE ORDER WITHIN 7 DAYS.

Party Information

Debtor(s):

Kenneth Eugene Settle	Pro Se
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Trustee(s):

Nancy J Zamora (TR)	Pro Se
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**United States Bankruptcy Court
Central District of California
San Fernando Valley
Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, April 05, 2017

Hearing Room 302

11:00 AM

1:17-10664 James C Alexander

Chapter 13

#20.00 Motion in Individual Case for Order Imposing a Stay or Continuing the Automatic Stay as the Court Deems Appropriate.

Docket 11

Tentative Ruling:

On March 16, 2017, Debtor filed this chapter 13 case. Debtor has two previous bankruptcy case that was dismissed within the previous year. The First Filing, 15-13349-MB, was a chapter 13 that was filed on 10/6/15 and dismissed on 12/20/16 for failure to make plan payments. The Second Filing, 17-10271-MT, was a chapter 13 that was filed on 2/1/17 and dismissed on 2/21/17 for failure to file information.

Debtors now move for an order continuing the automatic stay as to all creditors. Debtors argue that the present case was filed in good faith notwithstanding the dismissal of the previous case for failure to make plan payments. Debtor had to take time off work to take care of his children because his wife was in a rehabilitation facility and was unable to make payments as a result. As a result Debtor was unable to find permanent employment. The second case was dismissed due to negligence of debtor's attorney. Debtor claim that the presumption of bad faith is overcome as to all creditors per 11 U.S.C. 362(c)(3)(C)(i) because there has been a substantial change in their financial affairs as he is now back at work and his family situation has improved.

Service proper. **No opposition filed.**

MOTION GRANTED. APPEARANCE REQUIRED DUE TO SHORTENED TIME.

Party Information

Debtor(s):

James C Alexander

Represented By
R Grace Rodriguez

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, April 05, 2017

Hearing Room 302

11:00 AM

1:12-10955 Roger W. Meyer

Chapter 7

#21.00 Motion For Order Disallowing Claims That Have Been
Satisfied Through The Sale Of Estate Assets

Wells Fargo Bank NA (Claim #4)
Montecito Bank & Trust (Claim #8)
JPMorgan Chase Bank NA (Claim #11)
Wells Fargo Bank NA (Claim #19)

Docket 763

Tentative Ruling:

Chapter 7 Trustee Gottlieb *("Trustee") objects to claim no. 4, asserted by Wells Fargo Bank, in the amount of \$3,809,713.67; claim no. 8, asserted by Montecito Bank & Trust, in the amount of \$1,287,824.70; claim no. 11, asserted by JP Morgan Chase ("Chase"), in the amount of \$1,520,775.92; and claim no. 19, asserted by WFB, in the amount of \$1,537,112.68.

Trustee contends that claim no. 4 was paid in full at the closing of the sale of commercial real property at 12620 Woodforest Bl., Houston, TX (the "Woodforest Property"). The Woodforest Property, in which Debtor had a 81.48% interest, was sold under a settlement agreement with Wells Fargo; the proceeds of which were used to pay this claim in full.

Trustee contends that claim no. 8 was also paid in full at the closing of the sale of commercial real property at 2951-2967 Thousand Oaks Bl., Thousand Oaks, CA (the "Thousand Oaks Property"). The Thousand Oaks Property, in which Debtor had a 77% interest, was sold and the proceeds used to pay Montecito Bank & Trust in full.

Trustee also objects to claim no. 11, which he argued was paid in full at the closing of the sale of commercial real property at 841 Avenida Acaso, Camarillo, CA (the "Camarillo Property"). The Camarillo Property, in which Debtor had a 100% interest, was sold under a settlement agreement with Chase; the proceeds of which were used to pay this claim in full.

Trustee contends that claim no. 19 was paid in full at the closing of the sale of commercial real property at 305 S.E. Greenville Bl., Greenville, NC (the "Greenville Property"). The Greenville Property, in which Debtor had a 68.69% interest, was

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, April 05, 2017

Hearing Room 302

11:00 AM

CONT... Roger W. Meyer

Chapter 7

sold under a settlement agreement with Claimant; the proceeds of which were used to pay this claim in full.

Service proper. No opposition filed.
Objections SUSTAINED. Trustee to lodge order within 7 days.

NO APPEARANCE REQUIRED ON 4/5/17

Party Information

Debtor(s):

Roger W. Meyer

Represented By
Don E Lanson
Jeremy Faith
Meghann A Triplett

Movant(s):

David Keith Gottlieb (TR)

Represented By
Linda F Cantor ESQ
Victoria Newmark
Jeffrey L Kandel
Scotta E McFarland

Trustee(s):

David Keith Gottlieb (TR)

Represented By
Linda F Cantor ESQ
Victoria Newmark
Jeffrey L Kandel
Scotta E McFarland

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, April 05, 2017

Hearing Room 302

11:00 AM

1:17-10169 Omar Maloof

Chapter 13

#22.00 Debtor's Motion to Convert to Chapter 11.

Docket 31

Tentative Ruling:

No opposition filed. MOTION GRANTED.

APPEARANCE REQUIRED by Debtor on 4/5/17, so that he can explain what he intends to do with this chapter 11 case, as his attorney of record has moved to withdraw (doc. 38).

Party Information

Debtor(s):

Omar Maloof

Represented By
Tina M Locklear

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, April 05, 2017

Hearing Room 302

11:00 AM

1:13-10518 Reliable Trust Deed Services, Inc.

Chapter 7

Adv#: 1:15-01228 Seror v. TD Foreclosure Services, Inc.

#23.00 Pre-Trial Conference re: Complaint to avoid
and recover fraudulent transfers

fr. 2/24/16, 8/10/16; 11/16/16

Docket 1

Tentative Ruling:

Let's see if defendant appears to discuss. If not, an OSC can issue and the trial date vacated.

Party Information

Debtor(s):

Reliable Trust Deed Services, Inc.

Represented By
Gerald McNally
Mark S Blackman

Defendant(s):

TD Foreclosure Services, Inc.

Pro Se

Plaintiff(s):

David Seror

Represented By
Travis M Daniels

Trustee(s):

David Seror (TR)

Represented By
David Seror (TR)
Richard Burstein
Travis M Daniels

US Trustee(s):

United States Trustee (SV)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, April 05, 2017

Hearing Room 302

11:00 AM

1:13-10518 Reliable Trust Deed Services, Inc.

Chapter 7

Adv#: 1:15-01230 Seror, Chapter 7 Trustee v. Wolcott

#24.00 Pre-Trial Conference re: Complaint to
avoid and recover fraudulent transfers

fr. 2/24/16, 8/10/16, 11/16/16

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Reliable Trust Deed Services, Inc.

Represented By
Gerald McNally
Mark S Blackman

Defendant(s):

Lynn Wolcott

Pro Se

Plaintiff(s):

David Seror, Chapter 7 Trustee

Represented By
Travis M Daniels

Trustee(s):

David Seror (TR)

Represented By
David Seror (TR)
Richard Burstein
Travis M Daniels

US Trustee(s):

United States Trustee (SV)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Judge Maureen Tighe, Presiding
Courtroom 302 Calendar**

Wednesday, April 05, 2017

Hearing Room 302

1:00 PM

1:16-12311 Motty Shalev

Chapter 7

Adv#: 1:16-01149 American Ideal Diamond v. Shalev

#25.00 Motion For Summary Judgment or
Partial Summary Adjudication

Docket 11

***** VACATED *** REASON: Stipulation re nondischargeability - hm**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Motty Shalev

Represented By
Vic Rodriguez

Defendant(s):

Motty Shalev

Represented By
Vic Rodriguez

Movant(s):

American Ideal Diamond

Represented By
Timothy F Umbreit

Plaintiff(s):

American Ideal Diamond

Represented By
Timothy F Umbreit

Trustee(s):

David Seror (TR)

Pro Se